

# Caron Environmental Consulting

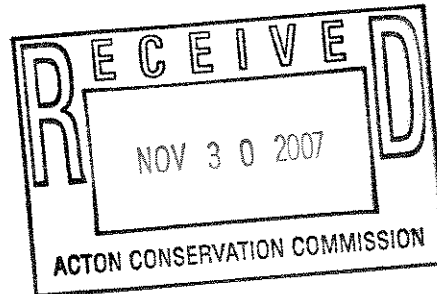
978-874-5469

Wetlands • Forestry • Permitting • Habitat Studies

November 29, 2007

Acton Conservation Commission  
472 Main Street  
Acton, MA 01720

Re: Acton Water District  
DEP File #85-981



Dear Commission Members:

On behalf of the Acton Water District, we hereby request to include two additional activities under the Notice of Intent filed for the above-referenced project. The additional activities include the upgrade of the existing access road and the implementation of a turtle nesting habitat management plan that was requested by the Natural Heritage and Endangered Species Program (NHESP).

### *Access Road Upgrade:*

As the Commission is aware, the access to the Kennedy Well Site is via a dirt road that also provides access to Kennedy Sand and Gravel. The road is owned by the Acton Water District and maintained by Kennedy Sand and Gravel. It is our understanding that the Commission has been concerned for some time about sedimentation that originates from this road, especially since it receives fairly heavy traffic.

To provide better stabilization to reduce the sedimentation potential, it is proposed to surface a portion of the road with asphalt grindings. This surfacing will occur for at least the first 300 feet of the road from Route 27. The grindings will be spread and compacted to create a semi-permeable surface that should stabilize the current road conditions, and improve the water quality of runoff. Additionally, the current potholes in the road will be filled making a smoother surface to reduce the generation of sediments, vehicle wear and tear and load spillage.

We believe that this treatment of the road will significantly reduce the potential for sediments to reach the nearby wetlands and will address the Commission's concerns.

### *Blanding's Turtle Nesting Habitat Management Plan:*

The NHESP has requested that a portion of the old gravel pit on the site be managed in order to maintain nesting habitat for Blanding's Turtles. The management activities will consist of periodic plowing or tilling to maintain the exposed soils that the turtles require for nesting. We have proposed to implement this management on an area of about 20,000 square feet. Portions

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of this area are within the 100-foot buffer zone and within Bordering Land Subject to Flooding, and is located entirely on the currently disturbed portion of the site. We have attached the Management Plan, a sketch showing the location of the managed area and our submittal letter to the NHESP, all of which provide the details of this activity. The submittal letter to the NHESP also addresses a potential seasonal restriction on construction that the NHESP may be considering. At this time we have not yet received the final approval of the project by the NHESP.

We thank you for your consideration of this additional information. If you have any questions, please feel free to contact us.

Very truly yours,  
CARON ENVIRONMENTAL CONSULTING

By:



Charles E. Caron

Enc.

c.c. DEP- Central Region Office  
Acton Water District  
Wright-Pierce





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Wetlands • Forestry • Permitting • Habitat Studies

November 26, 2007

Ms. Eve Sluter  
Division of Fisheries and Wildlife  
One Rabbit Hill Road  
Westborough, MA 01581

Re: Acton Water District  
NHESP Tracking # 07-22245

Dear Ms. Sluter:

Enclosed, please find the Management Plan for maintaining turtle nesting habitat that you had requested for the above-referenced project. We have kept the Management Plan concise and straightforward to allow it to be easily implemented by the Acton Water District.

We believe that the habitat assessment that was prepared indicated that the likelihood of Blanding's Turtles utilizing this site was low. While the site does contain suitable nesting habitat, the nearby habitat, while somewhat suitable, is far from ideal, and overwintering habitat seems to be especially lacking. In addition, we found no direct evidence of the presence of Blanding's Turtles on the site. Despite these reservations, however, the Acton Water District has agreed to implement the Management Plan in order to maintain the potential nesting habitat.

The other issue that was mentioned in our recent correspondence with you was the potential that the NHESP might prohibit construction from occurring between May 15 and October 15. With an anticipated construction duration from the Spring of 2008 to the Fall of 2009, two restricted construction periods would be incurred. This is unacceptable to the Acton Water District as it will significantly lengthen the construction duration and substantially increase the cost of the project. It is important to remember that this project is being undertaken by a public utility to maintain and improve the quality of a public drinking water supply on a previously disturbed site.

By imposing this restriction construction will be forced to occur during non-ideal winter conditions. Winter conditions significantly hinder progress and result in a longer construction period due to slower construction rates. As the schedule is lengthened construction costs increase. In addition, further costs would be incurred mobilizing and demobilizing for construction repeatedly and by having to secure the site when construction is suspended. Winter construction also increases the potential for erosion and sedimentation. It is likely that much of the work would have to occur under muddy conditions increasing the likelihood that sedimentation problems will arise. It is difficult, if not impossible, to provide for timely, permanent stabilization during cold, non-growing season conditions, thereby prolonging the period during which there is an erosion risk.

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It is worth noting that construction through the winter will require extensive temporary and inefficient heating measures, and increased fuel consumption. In a time when the cost of fuel is skyrocketing and the consequences of its use are gaining significant attention, putting a restriction on the project that would require increased fuel usage does not appear to be appropriate.

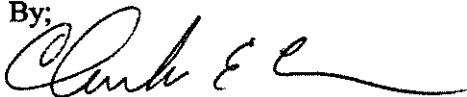
We anticipate that the project as proposed will increase the long-term viability of the site to be used by Blanding's Turtles for nesting. The potential nesting area is an old gravel borrow area that is quickly becoming revegetated. Without the proposed management, nesting habitat will probably disappear within a few years. Therefore, if the Acton Water District were to not proceed with the project or were to just wait a few years and propose a project once the nesting habitat has disappeared, there would be no long-term nesting habitat left on the site. By allowing the construction to proceed unhindered and in the environmentally friendly manner proposed, the period of disruption to any potential habitat will be minimized.

We believe that a better alternative to protect the turtles during the nesting season would be to encircle the areas of construction with silt fencing prior to the commencement of the nesting seasons. This will preclude adult turtles, eggs or young from being in the area of active construction, thereby avoiding any potential of a take. The surrounding areas suitable for nesting would remain available, so any potential nesting activity could still occur. This exclusion alternative should meet the Acton Water District's needs, comply NHESP's regulatory mandates and protect the biological requirements of the turtles.

We thank you for the consideration of our concerns. If you have any question please feel free to contact us.

Very truly yours,  
CARON ENVIRONMENTAL CONSULTING

By:



Charles E. Caron

Enc.

c.c. Acton Water District  
Acton Conservation Commission  
Wright-Pierce  
Sen. Pamela J. Resor



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**BLANDING'S TURTLE**

**NESTING HABITAT**

**MANAGEMENT PLAN**

**ACTON WATER DISTRICT**

**KENNEDY WELL PROPERTY**

**NOVEMBER 2007**

As requested by the *Natural Heritage & Endangered Species Program's* Endangered Species Review Biologist, we are revising the project plans to mitigate the loss of potential Blanding's Turtle nesting habitat.

Approximately 15-20,000 square feet of potential nesting habitat will be lost during the construction of the water plant, as portions of the habitat occur in the same location as the proposed plant. To mitigate this loss, an area adjacent to the lost area will be managed and maintained as nesting habitat. Maintenance will include the removal of intruding vegetation and rototilling, harrowing, and/or plowing once every two years. This area will be kept free from vehicle traffic and other disturbance during the turtle's nesting season, which occurs approximately from May 15 to September 15. We have outlined a 20,000 square foot area on the plan that is currently composed of potential nesting habitat and seems suitable to maintain as such. This area will be maintained for nesting habitat for a minimum of five years. After this time the Acton Water District will contact the NHESP to determine any further course of action.

We believe that the Blanding's Turtle nesting habitat management area will effectively mitigate the loss of potential habitat. This area will also ensure that there is nesting habitat available to the turtle after the surrounding nesting habitat has become overgrown and unsuitable.



EROSION CONTROL MATTING  
SEE DETAIL, DWG C-7

100-YEAR  
FLOODPLAIN  
(ELEV. 174)

**BLANDING'S TURTLE  
NESTING HABITAT  
MANAGEMENT AREA**

12" RCP CULVERT

INSTALL RIPRAP APRON,  
- SEE DETAIL, DWG C-8

△ STA 7  
EL=171.53

INV=171.53

MW

OHE

OHE